

In re Patent Application of:
ROY
Serial No. **10/777,871**
Filing Date: **February 12, 2004**

REMARKS

Claims 1-33 remain in this application. No claims have been cancelled. Claims 1, 12, 18, 24 and 29 have been amended.

Applicant thanks the Examiner for the detailed study of the application and prior art. Applicants file a Request for Continued Examination (RCE) with this After Final Amendment to have the amended claims examined.

Pursuant to the Examiner's request, Applicant has amended the independent claims to define protocol as configuration commands and instructions for accessing electronic mail and data systems. Protocol is defined throughout the detailed description and examples include the discussion on pages 11 and 12 of the detailed description. Other portions of the detailed description discuss operating protocols as generally configuration commands and instructions, also sometimes referred to as "schemes" for accessing electronic mail and data systems.

Also, the independent claims have been amended to recite that the polling occurs without device initiated commands whether there is or is not communications with a mobile wireless communications device to maintain UID's current to within a polling interval and reducing latency when communication occurs.

Also, Applicant has amended claim 29 to recite the "computer readable medium on a tangible embodiment" as suggested by the Examiner.

Applicant also notes the rejection of claims 1-33 as unpatentable over U.S. Patent Publication No. 2003/0004955 to

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Cedola et al. (hereinafter "Cedola") in view of U.S. Patent No. 6,701,378 to Gilhuly et al. (hereinafter "Gilhuly").

At the outset, Applicant stresses that there is no motivation to combine Cedola and Gilhuly, and the primary reference Cedola actually teaches away from the combination.

As stressed in this amendment, the polling occurs without device initiated commands whether there is or is not communications with a mobile wireless communications device to maintain UID's current to within a polling interval and reducing latency when communication occurs. The communication system and method as claimed polls to maintain its database of UID's current. This occurs as background activity whether or not there is any traffic to and from the mobile wireless communications device. Thus, the database of UID's is kept current to within a polling interval and this reduces access latency when the client does connect.

Cedola teaches a "sync" state table that can store UID's. There is no polling or other background activity to keep this list of UID's current. The only time that the sync state table is updated is at the end of a sync operation, for example, "when the manifest is fully processed, the sync state table is persisted for future use" as noted in paragraph 5.

Cedola specifically teaches that the device or client issues a sync command in the information server, which includes a notification of items within the collection that the client already has. The mobile device is a mobile computing device, for example, shown in FIG. 2, with the teaching of Cedola. This is described, for example, in paragraph 30 as set forth below:

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In accordance with that protocol, other applications may interact with the data store 311 to view, modify, and retrieve items within the collection. As is well known in the art, a synchronization operation basically occurs as follows. A client, such as the synchronization server 330, issues to the information server 310 a sync command (e.g., a PROPFIND or SEARCH command). The sync command includes a notification of the items within the collection that the client already has and their state so that the information server 310 does not retransmit the same information.

This is further explained in paragraph 35 in which the sync state table 331 identifies items that already exist in the collection and is operative with the synchronization manager 330, as follows:

The sync state table 331 identifies which items already exist in the collection on the mobile device 320. Thus, when the manifest 312 comes in, the information in the manifest 312 is compared to the sync state table 331 to identify any items which are marked "change" in the manifest 312 but which do not yet exist on the mobile device 320. Put another way, the synchronization manager 330 determines whether any items marked with a "change" instruction in the manifest 312 are identified in the sync state table 331. If not, then the instruction marked as "change" in the manifest is in actuality an instruction to add the item. Thus, the synchronization server 330 can change those instructions to the proper "add" instruction, and create a new manifest 322. The new manifest 322 includes the substantive information from the manifest 312, except that "change" instructions that are actually "adds" are replace with the appropriate instructions. The

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new manifest 322 is then transmitted to the mobile device 320 to continue the synchronization transaction.

Thus, Cedola teaches the necessity of a synchronization command when there is communication with a mobile wireless communications device. This is opposite from the claimed invention as presented in this Amendment, wherein the polling occurs without device initiated commands, whether there is or is not communications with a mobile wireless communications device.

As to Gilhuly, it is directed to the well-known "push" system for pushing information such as email from a host system to a mobile data communications device. It uses a redirector program that operates in connection with event-generating applications and repackaging systems to configure and detect a particular user-defined event. The user-selected data items are pushed as data items to the mobile device.


Gilhuly may teach that more data or UID's can be obtained if the user desires, but in the claimed invention as presented in this Amendment, it does not matter if a user desires more UID's because polling occurs without device initiated commands whether there is or is not communications with the mobile wireless communications device. This could occur automatically without user interaction or user or device commands. Thus, Gilhuly is not applicable with the combination of Cedola and the claimed invention as presented in this Amendment is patentable over the cited prior art.

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Applicant contends that the present case is in condition for allowance and respectfully requests that the Examiner issue a Notice of Allowance and Issue Fee Due.

If the Examiner has any questions or suggestions for placing this case in condition for allowance, the undersigned attorney would appreciate a telephone call.

Respectfully submitted,



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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: **MAIL STOP AF, COMMISSIONER FOR PATENTS, P.O. BOX 1450, ALEXANDRIA, VA 22313-1450**, on this 27th day of April, 2006.

